

REMARKS

Claims 1-15 were reported in the Office Action as pending. Claims 8-11 and 13 are amended. Claims 1-15 remain.

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 1-15 are rejected under 35 USC 102(e) as being anticipated by Baldino (US 7,007,243). Although the Examiner has considered the applicant's arguments, filed on 01 October 2008, the Examiner remains unpersuaded. Applicant disagrees for the following reasons.

At numbered paragraph three of the Action, in relation to claim 1, the Examiner asserts that "to supply precise latitude and longitude information, Baldino must receive, sample, and store the GPS signals". Applicant agrees that Baldino must receive and sample the GPS signals, however, there is no necessity for Baldino to store GPS signals. A conventional GPS receiver operates by receiving, sampling, and processing GPS signals without storing them. This mode of operation is sufficient for the purposes of the method disclosed by Baldino. Moreover, Baldino gives no hint that anything other than a conventional GPS receiver is being employed. Baldino is concerned only with supplying position information (precise latitude and longitude information) for inclusion with image data in an image file, as described at column 4, lines 1 to 10. This does not indicate, either explicitly or implicitly, any storage of signal samples. Rather, it implies that GPS signals are processed at the receiver as they are received, to produce the latitude and longitude information. Although, from a purely technical standpoint during the act of processing there would typically be a transient "storage" of each individual sample of a signal (each at a different instant in time), for example, in a register of a processor, a person of ordinary skill in the art would not regard this transient existence of the sample in the processing pipeline as constituting "storing ... signal samples" in the context of claim 1. Moreover, the claim limitation calls for "storing those GPS signal samples with an indication of the image file of the photo or video clip to which those GPS signal samples pertain." For this reason, Applicant

maintains the assertion that Baldino does not disclose “sampling received GPS signals and storing those GPS signal samples,” which GPS signal samples are subsequently processed to obtain a position fix as recited in claim 1. It is further noted that “the GPS signal samples” which are subsequently processed, according to step (ii) of the claim can only be those same “GPS signal samples” which were stored according to step (i)(b) of the claim with an indication of the image file to which they pertain. Claim 7 includes a similar limitation as Claim 1 that “GPS signal samples are stored with an indication of the created image file to which said GPS signal samples pertain”.

In addition, the distinction between processing GPS samples upon receipt (as described by Baldino, and other acknowledged prior art), and storing such samples to be subsequently processed, is subtle yet highly significant. This difference is a central concept in the present application, and, in particular, storage of samples is essential in providing the advantages described at p.1, line 26 to p.2, line 2 of the description, as filed. By providing the freedom to process samples at leisure, the present invention can remove a significant computational burden from a mobile device such as a digital camera. This, in turn, can reduce power requirements, and/or extend battery life.

Applicant notes that the Examiner appears to attach particular significance to the feature of claim 1 that the GPS signal samples are stored “with an indication of the image file...to which those GPS signal samples pertain”. Applicant is at a loss to understand the Examiner’s interpretation of this part of the claim, or how it is relevant to the alleged anticipation by Baldino. The Examiner contends that this limitation “does not actually require storing the sampled GPS signals with the image data”. This seems to be a fair assertion: the limitation requires only a looser association (via the “indication”) between stored GPS signal samples and the image. However, as discussed above, Baldino does not disclose storing GPS signal samples as that term is defined by Applicant, i.e., storing for subsequent processing as set forth in step (ii) of Claim 1 as amended. Baldino is concerned with the association of “location information” with the image data in an image file. Applicant, therefore, respectfully submits that the feature

of “storing...GPS signal samples with an indication of the image file” is not disclosed by Baldino and therefore also novel.

Applicant notes that in the arguments filed on 01 October 2008, Applicant also rebutted the Examiner’s assertion that Baldino discloses “subsequently processing the GPS signal samples to obtain a position fix”. The Examiner had previously asserted that this feature was disclosed at column 4, lines 11 to 45 of Baldino. Applicant notes that the Examiner has not responded to this rebuttal, and respectfully requests the Examiner’s response.

Similarly, Applicant also presented arguments speaking to the novelty of claim 2, which the Examiner had also rejected as anticipated by Baldino. These arguments have again not been addressed by the Examiner’s response, yet the Examiner maintains the rejection of claim 2. Again, Applicant respectfully requests the Examiner’s response to Applicant’s rebuttal, so that Applicant might better understand the grounds of rejection.

Claim 15 is directed to a computer configured to implement (in conjunction with a digital camera of the kind recited in claim 12) an embodiment of the invention of claim 1. Claim 15 is correspondingly novel. For completeness, Applicant refutes the arguments set out at numbered paragraph twelve of the Action, as follows.

The computer (“display circuit” 426) disclosed in Fig. 4 of Baldino is not configured to “receive ...GPS signal samples” as asserted by the Examiner, nor is it configured to “receive ...an indication of the corresponding image file to which the GPS signal samples pertain”, as asserted by the Examiner. The computer is also not configured to “process the GPS signal samples to obtain a position fix” nor to “append the position fix to the corresponding image file”. Applicant is at a loss to understand how col. 4 of Baldino, cited by the Examiner, could ever be construed to disclose (or even imply) these features. It is clearly stated (line 11) that the display circuit receives the digital image file. The image file includes “location information” (line 6). Note that it does not include GPS signal samples – the “location information” is precise latitude and longitude information (lines 2-3). The only “processing” carried out by the computer is to convert the location data into one or more “icons” having a likeness corresponding to the

geographic region of capture (col. 2, lines 41-46, also col.4, lines 29-33). In short, to use the terms of claim 15, the image file disclosed by Baldino has had its position fix appended ever before the image file was transferred to the computer.

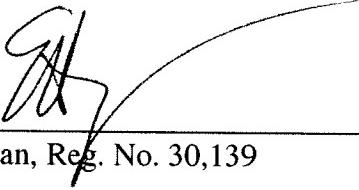
Additionally, minor amendments have been made to Claims 8-11 and 13, which, although not noted by the Examiner, appear to be necessary.

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-15, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

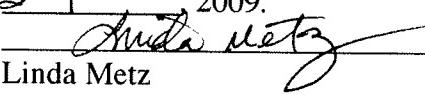
If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,
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Dated: 2/4, 2009


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